

ORDINANCE NO. 141.

AN ORDINANCE AUTHORIZING THE BOARD OF TRUSTEES OF THE CITY OF LODI TO DECLARE NOXIOUS OR DANGEROUS WEEDS GROWING UPON STREETS OR SIDEWALKS, OR UPON PRIVATE PROPERTY WITHIN SAID CITY, TO BE A PUBLIC NUISANCE, AND CREATING A LIEN UPON THE PROPERTY FRONTING UPON SUCH STREETS OR SIDEWALKS, OR UPON WHICH SAID NUISANCE EXISTS, FOR THE COST OF ABATING THE SAME.

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The Board of Trustees of the City of Lodi, do ordain as follows :

Section 1. All weeds growing upon the streets or sidewalks, or upon private property within the City of Lodi, which bear seeds of a wingy or downy nature, or attain such a large growth as to become a fire menace when dry, or which are otherwise noxious or dangerous, may be declared a nuisance by the Board of Trustees of the City of Lodi, and thereafter abated as in this ordinance provided.

Section 2. Whenever any such weeds are growing upon any street or sidewalk or private property, the Board of Trustees may, by resolution, declare the same to be a public nuisance. Said resolution shall refer to the street by the name under which it is commonly known, and describe the property upon which, or in front of which, said nuisance exists by giving lot and block number thereof, and no other description of said property shall be required. Any number of streets, sidewalks or parcels of private property may be included in one and the same resolution.

Section 3. After the passage of said resolution, the Superintendent of Streets shall cause to be conspicuously posted in front of the property on which, or in front of which such nuisance exists, notices of the passage of said resolution, said notices shall be headed, "Notice to Destroy Weeds", in letters of not less than one inch in length and shall be substantially in the following form:

NOTICE TO DESTROY WEEDS.

Notice is hereby given that on the ..... day of ..... 19...., the Board of Trustees of the City of Lodi passed a resolution declaring that noxious or dangerous weeds were growing upon or in front of certain lots, pieces or parcels of land in the City of Lodi, specified in said resolution, including the property on .....Street in said City and particularly described as follows, to-wit: ..... ; and that the same constitutes a public nuisance which must be abated by the removal of said noxious or dangerous weeds, otherwise they will be removed and the nuisance will be abated by the municipal authorities, in which case the cost of such removal shall be assessed upon the lots and land from which or in front of which said weeds are removed, and such cost will constitute a lien upon such lots or land until paid. Reference is hereby made to said resolution for further particulars.

All property owners having any objections to the proposed removal of such weeds are hereby notified to attend a meeting of the Board of Trustees of the City of Lodi, to be held in the Council Chamber thereof, on the ..... day of ..... 19.... at the hour of eight o'clock P. M. of said day, when their objections will be heard and given due consideration.

Dated: This ..... day of ..... 19....

.....  
Superintendent of Streets of the City of Lodi.

One of said notices shall be posted at least five days prior to the time for hearing objections by said Board of Trustees, in front of each lot upon or in front of which said noxious or dangerous weeds are growing.

Section 4. At the time stated in the notices, the said Board of Trustees shall hear and consider all objections or protests, if any, to the proposed removal of weeds, and may continue the hearing

from time to time. Upon the conclusion of said hearing, said Board of Trustees shall allow or overrule any or all of said objections. If said Board of Trustees shall overrule said objections, it shall be deemed to have acquired jurisdiction to proceed and perform the work of removal, and the decision of said Board of Trustees on the matter shall be deemed final and conclusive.

Section 5. . After final action has been taken by the Board of Trustees on the disposition of any protest or objection, or in case no protest or objection has been received, the Board of Trustees by resolution shall order the Superintendent of Streets to abate said nuisance, by having the weeds referred to removed, and he and his assistants or deputies are hereby expressly authorized to enter upon private property for that purpose. Any property owner shall have the right to have any such weeds removed at his own expense provided the same is done prior to the arrival of the Superintendent of Streets, or his representative, to remove the same.

Section 6. The Superintendent of Streets shall keep an account of the cost of abating such nuisance in front of or on each separate lot or parcel of land where the work is done by him or his deputies, and shall render an itemized report in writing to the said Board of Trustees showing the cost of removing such weeds on each separate lot, or in front thereof, or both; provided, that before said report is submitted to said Board of Trustees, copy of the same shall be posted for a least three days prior thereto on or near the chamber door of said Board of Trustees, together with a notice of the time when said report shall be submitted to the Board of Trustees for confirmation.

Section 7. At the time fixed for receiving and considering said report, the Board of Trustees shall hear the same, together with any objection which may be raised by any of the property owners liable to be assessed for the work of abating said nuisance and thereupon make such modifications in the report as they deem

necessary, after which by motion or resolution said report shall be confirmed. The amounts of the cost for abating such nuisance in front of or upon the various parcels of land mentioned in said report shall constitute special assessments against the respective parcels of land and as thus made and confirmed, shall constitute a lien on said property for the amount of such assessments, respectively. After the confirmation of said report, a copy shall be turned over to the assessor and the tax collector of the City of Lodi, whereupon it shall be the duty of said officers to add the amounts of the respective assessments to the next regular bills for taxes levied against the said respective lots and parcels of land for municipal purposes, and thereafter said amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes.

Section 8. All ordinances or parts of ordinances, in conflict with the provisions herein are hereby repealed.

Section 9. This ordinance shall be published once in "<sup>Lodi</sup>The News", a tri-weekly newspaper published and circulated in said City of Lodi, and shall be in force and effect thirty days from and after its final passage and publication.

I hereby approve and sign the foregoing ordinance this fourth day of JUNE, A. D. 1923.

  
President of the Board of Trustees.

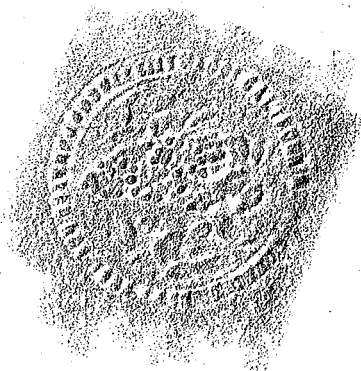
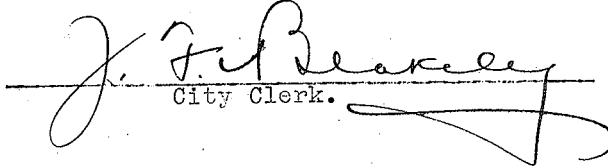
I, the undersigned, hereby certify that the foregoing ordinance ~~was~~ duly and regularly introduced in the Board of Trustees of the City of Lodi, at <sup>an adjourned</sup> regular meeting, held on the ~~21~~ <sup>21</sup> st day of ~~May~~, A. D. 1923, and thereafter finally adopted at a regular meeting of ssid board held June 4th., 1923 ~~xxxx1922x~~, by the following vote, to-wit:

AYES: Trustees, Spooner, Hickok, Hale, Mettler, Shattuck.

NOES: Trustees, None.

ABSENT: Trustees, None.

In Testimony Whereof, I hnye hereunto set my hand and affixed the Official. Seal of this City, this 4th day of June, A. D. 1923.

  
  
City Clerk.